

.

---

**From:** Nassif, Julianne (DPH)  
**Sent:** Friday, June 24, 2011 9:52 AM  
**To:** O'Brien, Elisabeth (DPH); 'Charles.Salemi@state.ma.us'  
**Subject:** Fw: electronic retention of records  
**Attachments:** Bullcoming.doc

---

**From:** Massing, Greg (EPS)  
**Sent:** Friday, June 24, 2011 01:40 AM  
**To:** Nassif, Julianne (DPH)  
**Subject:** RE: electronic retention of records

Julie,  
Sorry I haven't gotten back to you on this. While I think it's all right, I'm not really the best person to answer this question. It's really the DAs' issue, so we ought to check in with at least Suffolk County (they're your biggest customer, aren't they?).  
The reason I'm up so late tonight is lab related, though. Bullcoming. I don't know if you guys have been using substitute expert testimony. If you have, I don't think the Bullcoming is actually a problem, but the defense bar will certainly challenge it, and many prosecutors may agree with them. FYI, I'm attaching my quick write-up, in which I make the case that we've long been following Bullcoming, and it doesn't affect the way substitute expert testimony is offered in the Commonwealth.  
-Greg

---

**From:** Nassif, Julianne (DPH)  
**Sent:** Thursday, June 16, 2011 1:41 PM  
**To:** Massing, Greg (EPS)  
**Subject:** electronic retention of records

Hi Greg,  
I am writing to ask about the acceptability of electronic storage of data for criminal cases (drug possession & trafficking). The DPH laboratory generates an enormous amount of data each year (instrument print outs, worksheets, chain of custody records etc) all of which are retained either on site or at the State Archives in Dorchester for 15 years. The demand for space greatly exceeds our current storage capacity. I would like to upgrade our system to be largely electronic – instrument data saved on a server, paper records scanned and saved to the server which would be backed up each evening and back up tapes stored in a safe at an alternate location.

Would these electronic records satisfy the legal requirements for producing data for criminal prosecution?

Thanks for your guidance,  
Julie

*Julianne Nassif*  
Director of Analytical Chemistry  
William A. Hinton State Laboratory  
Massachusetts Department of Public Health  
305 South Street Boston, MA 02130  
617.983.6651 (voice) 617.983.6662 (fax)